



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/100,223 06/19/98 CONMY

D 52817.000051

021967
HUNTON AND WILLIAMS
1900 K STREET N W
WASHINGTON DC 20006

TM02/0319

EXAMINER

NOEMAN, M

ART UNIT

PAPER NUMBER

2163

DATE MAILED:

03/19/01

Please find below and/or attached an Office communication concerning this application r proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/100,223

Applicant(s)

CONMY, DOUGLAS WALTER

Examiner

Marc E. Norman

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

Continued Prosecution Application

The request filed on January 22, 2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/100,223 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-7, 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. in view of Hotaling et al. as already set forth in papers 7 and 9 (Final Rejection and Advisory Action, respectively, under original prosecution), and further in view of Gustafson.

In Amendment D (paper 13), Applicant amended each of independent claims 1 and 4-6 to include a limitation regarding displaying results based in part on a weighting function of a best fit algorithm. Otherwise, the claims are substantially unchanged from the original prosecution. The rejections regarding the pre-existing limitations of these claims set forth in papers 7 and 9 are carried forward and maintained. (For the record, it is noted that Applicant presents no arguments regarding those rejections in Amendment D. Arguments were presented in Amendment C, after the final rejection but prior to the Advisory Action. However, those

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arguments were rejected in the Advisory Action. Since Applicant provided no arguments in response to the rejection set forth in the Advisory Action, and since Applicant has added a new limitation to the claims apparently in order to overcome that rejection, the Examiner assumes for purposes of prosecution that Applicant does not dispute that rejection.)

As per independent claims 1 and 4-6, neither Zhang et al. nor Hotaling et al. teaches displaying results based in part on a weighting function of a best fit algorithm. Dedrick teaches a system comprising an electronic calendar/scheduler (see Figure 5; see also Column 16, lines 51-60) and applying weighting functions of a best fit algorithm (see column 6, lines 12-32). Even though the best fit algorithm of Dedrick is applied for a different purpose (i.e., consumer pricing) than the present invention, official notice is taken that weighted best fit algorithms such as used by Dedrick are common and well known in the art of database matching. Absent further limitations in the claims regarding details of the algorithm or how it is applied, it would have been generally obvious to one of ordinary skill in the art at the time the invention was made to apply a weighted best fit algorithm such as that used in the system of Dedrick to the group scheduling system of Zhang et al for the purpose of determining an optimal match among databases (which in this instance would be applied to matching participant schedules) based on predefined weighting parameters.

As per dependent claims 2, 7, 13 and 17, Applicant has neither made new changes to nor presented new arguments regarding these claims. Accordingly, the rejections of these claims as set forth during the original prosecution (see paper number 4) are carried forward and maintained.

Claims 3, 8, 14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. in view of Hotaling et al., and Dedrick as applied above to independent claims 1 and 4-6, and further in view of Sisley et al. as already set forth in papers 7 and 9 (Final Rejection and Advisory Action, respectively, under original prosecution). Applicant has neither made new changes to nor presented new arguments regarding these claims. Accordingly, the rejections of these claims as set forth during the original prosecution (see paper number 4) are carried forward and maintained.

Claims 9, 11, 15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. in view of Hotaling et al. and Dedrick as applied above to independent claims 1 and 4-6, and further in view of Cree et al. as already set forth in papers 7 and 9 (Final Rejection and Advisory Action, respectively, under original prosecution). Applicant has neither made new changes to nor presented new arguments regarding these claims. Accordingly, the rejections of these claims as set forth during the original prosecution (see paper number 4) are carried forward and maintained.

Claims 10, 12, 16, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. in view of Hotaling et al. and Dedrick as applied above to independent claims 1 and 4-6, and further in view of Schloss et al. as already set forth in papers 7 and 9 (Final Rejection and Advisory Action, respectively, under original prosecution). Applicant has neither made new changes to nor presented new arguments regarding these claims. Accordingly, the rejections of these claims as set forth during the original prosecution (see paper number 4) are carried forward and maintained.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Conmy et al. and Beckhardt et al. each teach related group scheduling software.

Mansour teaches a related scheduling and task management system.

Gustafson teaches a best fit method for matching entities among databases.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc E. Norman whose telephone number is 703-305-2711.

MN

March 13, 2001


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
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